

99-1092 A.C. v. Pictsweet Issued: 3/11/02

Pictsweet and its workers' compensation insurance carrier, GAB Robbins ("Pictsweet" hereafter) ask the Utah Labor Commission to review the Administrative Law Judge's award of benefits to A. C. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).¹

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

DISCUSSION

The ALJ has awarded workers' compensation benefits to Ms. C.. Pictsweet does not contest these benefits, but contends it has already paid them. Pictsweet also contends it has overpaid the fee due Ms. C.'s attorney. Ms. C. denies Pictsweet's allegations.

These issues involve questions of fact. The ALJ is best suited to develop the record on such matters. The Commission therefore returns this case to the ALJ to determine the status of payment of Ms. C.'s benefits and attorney's fee.

ORDER

The Commission remands this matter to the ALJ for further proceedings consistent with this decision. It is so ordered.

Dated this 11th day of March, 2002.

R. Lee Ellertson, Commissioner

1. Ms. C. also raised objections to the ALJ's decision which have been addressed in the ALJ's amended order of December 26, 2001.